

Statement of
David R. Gibbons
Forest Supervisor, Chugach National Forest

USDA Forest Service

Before the
House Resources Committee
United States House of Representatives

Concerning
H.R. 3048 Russian River Land Act

June 5, 2002

Mr. Chairman and Committee Members, thank you for the opportunity to testify today on H.R. 3048, the Russian River Land Act. I am Dave Gibbons, Forest Supervisor of the Chugach National Forest. The Department of Agriculture supports the enactment of H.R. 3048 if amended to address Administration concerns with Section 3b.

H.R. 3048, if enacted, would resolve a long-standing conflict of land selection rights and management of public activities at the junction of the Russian and Kenai Rivers in Alaska. The public lands at the junction of these rivers was withdrawn from disposal by the USDA Forest Service under public land laws and set aside for a specific management purpose. This withdrawal created a conflict with a historic site selection filed by Cook Inlet Region Incorporated (CIRI) under Section 14(h)(1) of the Alaska Native Claims Settlement Act.

The U.S. Forest Service, U.S. Fish and Wildlife Service and Cook Inlet Region Incorporated (CIRI) worked together to address legal concerns and management objectives of all parties. On July 26, 2001, the three parties reached agreement (Russian River Section 14(h)(1) Selection agreement) on a solution that would fulfill the goals of each party. The Russian River Selection 14(h)(1) Selection Agreement provides consensus on the following points:

- The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in federal ownership.
- The right of the public to continue fishing remains unchanged from the current status.

- The Fish and Wildlife Service will convey to CIRI all archaeological and cultural resources from 502 acres of Refuge lands certified by the Bureau of Indian Affairs.
- The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River. The 20-acre parcel will be subject to Alaska Native Claims Settlement Act (ANCSA) 14(h)(1) provisions, which require protection of the cultural resources. In addition, a 50-foot public easement along the bank of the Kenai River will be reserved and administered by the Forest Service to allow continued public fishing on the parcel.
- With these conveyances, CIRI will relinquish all ANCSA 14(h)(1) claims in the Sqilantnu Archeological District.
- The parties will pursue construction of a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for the interpretation of both the natural and cultural resources of the Russian River area. Included in the subject bill is an appropriation for the construction of the proposed visitors center.
- In conjunction with the visitor's interpretive center, the parties will pursue the establishment of an archeological research center and repository that will facilitate the management of cultural resources in the area.
- CIRI may develop certain visitor-oriented facilities on the 42-acre parcel. These facilities may include a lodge, staff housing, restaurant, etc., that would include space for agency personnel as well as CIRI staff.
- The parties will enter into a Memorandum of Understanding for the purpose of insuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.
- The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai Refuge lands adjacent to the Sterling Highway and/or Funny River Road in return for FWS receiving CIRI lands **of equal value** near the Killey River that is important brown bear habitat. This would provide additional lands for CIRI development and economic benefit while protecting important habitat and migration routes for the Kenai brown bear.

Legislation is necessary to provide authority currently lacking to convey the cultural resources on the Refuge, convey the two small parcels within the Forest, and to adjust refuge and wilderness boundaries in the potential exchange. The bill would also ratify the Selection Agreement already agreed to by the three parties.

The Administration is concerned with the waiver in Section 3b that could exempt activities under the Agreement from current law. The Administration supports authorization of exchanges through normal

public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges. We appreciate efforts by Representative Young to develop and sponsor H. R. 3048. Thank you for the opportunity to comment. I would be pleased to answer any questions you may have.